

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THOMAS CAVAZOS,)
)
Petitioner,)
)
v.) Case No. CIV-22-00152-PRW
)
FNU MACHALT,)
)
Defendant.)

ORDER

This 28 U.S.C. § 2241 petition for writ of habeas corpus is before the Court on the Defendant's Motion to Transfer (Dkt. 22) and U.S. Magistrate Shon T. Erwin's Report & Recommendation (Dkt. 23), entered on June 10, 2022. Petitioner Thomas Cavazos brought this action in the Northern District of Texas, contending that the Bureau of Prisons improperly computed his federal sentence by not crediting him for time spent in state custody. At the time Petitioner filed his petition, he was incarcerated in FCI El Reno, in the Western District of Oklahoma, so the action was transferred to this Court. Since that time, however, Petitioner has been transferred to USP Lewisburg, in the Middle District of Pennsylvania. Magistrate Erwin recommended granting the Defendant's Motion to Transfer (Dkt. 22) since “[a] petition under 28 U.S.C. § 2241 attacks the execution of a sentence rather than its validity and must be filed in the district where the prisoner is confined.”¹

¹ *Haugh v. Booker*, 210 F.3d 1147, 1149 (10th Cir. 2000).

The Court observes that no party has objected to the Report & Recommendation within the time limits prescribed. The Court has also reviewed the Report & Recommendation (Dkt. 23) de novo and agrees with the reasoning and conclusions therein. Accordingly, the Court **ADOPTS** Magistrate Judge Erwin's Report & Recommendation (Dkt. 23) and **DIRECTS** the Clerk to transfer this § 2241 petition to the Middle District of Pennsylvania.

IT IS SO ORDERED this 29th day of June 2022.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE